

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

**PENELOPE KEEL, individually, and in
her capacity as Natural Mother, Guardian
and next friend of IESHA KEEL, an infant**

Plaintiff,

v.

**Civil Action No. 2:11-cv-223
(Civil Action No. 11-C-231 in the
Circuit Court of Kanawha
County, West Virginia)**

**STONEBRIDGE LIFE INSURANCE
COMPANY, Survivor of J.C. PENNEY
LIFE INSURANCE COMPANY,**

Defendant.

PETITION FOR REMOVAL OF PROCEEDING FROM STATE COURT

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Stonebridge Life Insurance Company Petitions this Court for the Removal of this action from the Circuit Court of Kanawha County, West Virginia, Civil Action No. 11-C-231, to the United States District Court for the Southern District of West Virginia, and in support thereof states as follows:

1. Stonebridge Life Insurance Company is a Defendant in a civil action filed in the Circuit Court of Kanawha County, West Virginia, styled *Penelope Keel, individually, and in her capacity as Natural Mother, Guardian and next friend of Iesha Keel, an infant, Plaintiffs, v. Stonebridge Life Insurance Company, Survivor of J.C. Penney Life Insurance Company, Defendant*, Civil Action No. 11-C-231.

2. Copies of the Summons and Complaint were served upon the Defendant on March 8, 2011, through the West Virginia Secretary of State.

3. This action is a civil action in which this Court has jurisdiction, pursuant to 28

U.S.C. §§ 1332 and 1441, in that:

- a. Stonebridge Life Insurance Company is a Vermont corporation whose principal place of business is located in the State of Iowa;
- b. Plaintiffs, Penelope Keel and Iesha Keel, are residents of the State of West Virginia;
- c. As this matter was filed on the 10th day of February, 2011 and service of process was had upon the West Virginia Secretary of State on March 8, 2011, this Notice of Removal has been filed within thirty (30) days of service upon the Defendant Stonebridge Life Insurance Company;
- d. The amount in controversy alleged in this action exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, inasmuch as the Plaintiffs seek to recover Twenty-Five Thousand Dollars) \$25,000.00 pursuant to a policy of insurance, plus general damages for breach of contract and bad faith, as well as punitive damages;
- e. This action, therefore, is properly removable by Defendant pursuant to 28 U.S.C. § 1441.

4. A Notice of Filing of Petition for Removal has been filed with the Clerk of the Circuit Court of Kanawha County, West Virginia. *See Exhibit A attached hereto.*

5. Defendant Stonebridge Life Insurance Company has requested that the Clerk of the Circuit Court of Kanawha County, West Virginia provide a complete copy of its file with regard to Civil Action No. 11-C-231 to the Clerk for the United States District Court for the Southern District of West Virginia.

WHEREFORE, Defendant Stonebridge Life Insurance Company respectfully requests

that this case proceed before this Court as an action properly removed from the Circuit Court of Kanawha County, West Virginia.

**STONEBRIDGE LIFE INSURANCE
COMPANY,**
By Counsel:

/s/ Jordan K. Herrick

Robert P. Martin (WV Bar #4516)
Jordan K. Herrick (WV Bar #11128)
BAILEY & WYANT, PLLC
500 Virginia Street, East, Suite 600
Post Office Box 3710
Charleston, West Virginia 25337-3710
T: (304) 345-4222
F: (304) 343-3133
Email: bmartin@baileywyant.com
Email: jherrick@baileywyant.com
*Counsel for Defendant Stonebridge
Life Insurance Company*

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Defendant.

I HEREBY CERTIFY that a true and correct copy of the foregoing **"Petition for Removal of Proceeding From State Court"** was served upon the following parties by the Court's Electronic Case Filing (ECF) system on this 5th day of April, 2011:

Marvin W. Masters
Richard A. Monahan
The Masters Law Firm
181 Summers Street
Charleston, WV 25301

/s/ Jordan K. Herrick

Robert P. Martin (WV Bar #4516)
Jordan K. Herrick (WV Bar #11128)
BAILEY & WYANT, PLLC
500 Virginia Street, East, Suite 600
Post Office Box 3710
Charleston, West Virginia 25337-3710
T: (304) 345-4222
F: (304) 343-3133
Email: bmartin@baileywyant.com
Email: jherrick@baileywyant.com